

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

COREY HENLEY,)	
)	
Plaintiff,)	
)	
v.)	5:11-cv-03922-JHH-SGC
)	
BYERS, et. al.,)	
)	
Defendants.)	

ORDER

By a report and recommendation entered on July 11, 2014, the magistrate judge recommended as follows:

1. The motion for summary judgment (Doc. 20) as to Defendant Gray is due to be **GRANTED**, and the claims against Defendant Gray are due to be **DISMISSED WITH PREJUDICE**;
2. The Alabama Department of Corrections is due to be **DISMISSED** as a defendant;
3. The motions for summary judgment (Docs. 20 and 33) as to Plaintiff's claims against Defendants Byers, MacMillan, and Bailey in their official capacities for monetary relief are due to be **GRANTED**, and such claims are due to be **DISMISSED WITH PREJUDICE**;
4. The motions for summary judgment (Docs. 20 and 33) as to Plaintiff's Eighth Amendment failure-to-protect claims against Defendants Byers, MacMillan, and Bailey in their individual capacities are due to be **DENIED**, as is their attempt to invoke qualified immunity;

5. To the extent Plaintiff was attempting to raise a claim of deliberate indifference to serious medical needs, such claim is **DISMISSED**.

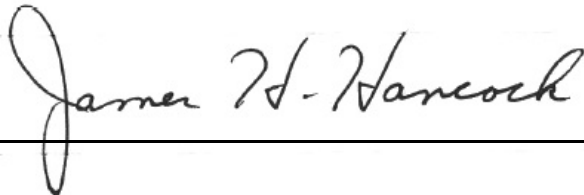
(Doc. 36 at 17-18). The parties were allowed fourteen (14) days to file written objections to the magistrate judge's report and recommendation. (*Id.*). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, the court is of the opinion the magistrate judge's report is due to be and is hereby **ADOPTED** and the magistrate judge's recommendation is **ACCEPTED**. Regarding all claims, issues, and parties as to which the magistrate judge recommended granting summary judgment, the court **EXPRESSLY FINDS** there are no genuine issues of material fact, and judgment is appropriate as a matter of law.

The motions for summary judgment are **GRANTED** as to Plaintiff's claims against Defendant Gray and the Alabama Department of Corrections, and such claims and defendants are **DISMISSED WITH PREJUDICE**. Plaintiff's claims against Defendants Byers, MacMillan, and Bailey in their official capacities for monetary relief are **GRANTED**, and such claims are **DISMISSED WITH PREJUDICE**. The motions for summary judgment as to Plaintiff's Eighth Amendment failure-to-protect claims against Defendants Byers, MacMillan, and Baily in their individual capacities are **DENIED**. To the extent Plaintiff was attempting to raise a claim of deliberate indifference to serious medical needs, such claim is **DISMISSED**.

Remaining in this case are the individual capacity claims for failure to protect asserted against Defendants Byers, MacMillan, and Bailey. Defendants Byers, MacMillan, and Bailey are **ORDERED** to file an answer to Plaintiff's claims within twenty (20) days of the entry date of this order.

DONE this 18th day of August, 2014.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large, looping initial "J".

SENIOR UNITED STATES DISTRICT JUDGE